



DIVISION OF
ENFORCEMENT

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
100 PEARL STREET, SUITE 20-100
NEW YORK, NY 10004-2616

August 8, 2024

Via ECF

Hon. Edgardo Ramos
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *SEC v. Kistler*, 22-cv-10657 (ER)

Dear Judge Ramos:

Plaintiff Securities and Exchange Commission ("SEC") respectfully requests that the Court enter the enclosed, proposed order of voluntary dismissal of the SEC's claims against Defendant New Opportunity Business Solutions, Inc. a/k/a NOBS ("NOBS"). Following the Court's July 11, 2024, entry of the consent final judgment as to Defendant Brian Kistler ("Kistler") (Dkt. 61), the SEC's claims against NOBS are all that remain to be resolved in this action.

The SEC has determined to voluntarily dismiss the claims against NOBS. Based on information recently provided by Kistler, the SEC understands that NOBS is now functionally defunct and without significant assets, and that Kistler, its sole owner and officer, plans to dissolve NOBS in the near future. Voluntary dismissal under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure ("Rule 41") is unavailable because NOBS filed an Answer and Affirmative Defenses in response to the Complaint. (Dkts. 1, 12.) Accordingly, the SEC respectfully requests that, pursuant to Rule 41(a)(2), the Court enter an order dismissing the claims against NOBS. Kistler does not object to the SEC's request and has relayed, in his capacity as NOBS' sole owner and officer, that NOBS does not object; however, NOBS is presently unrepresented by counsel in this action and therefore is not in a position to execute a stipulation pursuant to Rule 41(a)(1)(A)(ii), notwithstanding that NOBS previously appeared in this action.

Accordingly, the SEC respectfully requests that the Court dismiss the SEC's claims against NOBS.

Respectfully submitted,

/s/ Paul G. Gizzi

Paul G. Gizzi
Securities and Exchange Commission

Enclosure

cc: Brian Kistler, *Pro Se*